



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

NOV - 9 2009

OFFICE OF
REGIONAL COUNSEL

Reply To: ORC - 158

P. Scott Burton, Esq.
Hunton & Williams LLP
550 S. Hope Street
Suite 2000
Los Angeles, CA 90071-2627

Re: Administrative Consent Order for the Nu-West Industries Idaho Facility
EPA ID Number IDD 000 466 888

Dear Mr. Burton:

Enclosed for signature by an authorized representative of Nu-West Industries (Nu-West) is an Amendment of the Administrative Order on Consent for the Nu-West Idaho Facility issued pursuant to Section 3013 of the Resource Conservation and Recovery Act. Upon execution by Nu-West and EPA it will revise the Order to clarify that EPA approval of Nu-West's submissions of expedited data and sampling and test results is not required.

Upon signature by Nu-West, please return the original to me for execution by EPA. Upon execution by EPA, I will provide you and Mr. James Cagle with a true and correct copy of the fully executed Amendment by certified mail. I will also provide the State of Idaho Attorney General's Office with a copy.

If you have any questions or concerns, I can be reached at (206) 553-1222. The Agency does appreciate the cooperation of Nu-West Industries in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Boyd".

Andrew Boyd
Associate Regional Counsel

Enclosure

cc: Darrell Early, State of Idaho Attorney General's Office

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

IN THE MATTER OF:

ADMINISTRATIVE ORDER
ON CONSENT

Nu-West Industries, Inc.)
d/b/a Agrium Conda Phosphate)
Operations)
3010 Conda Road)
Soda Springs, Idaho 83276)
RESPONDENT)
EPA ID No. IDD 000 466 888)
_____)

Docket No: RCRA-10-2009-0186

Proceeding under Section 3013(a) of the
Resource Conservation and Recovery Act,
as amended, 42 U.S.C. § 6934(a)

AMENDMENT

In accordance with Paragraph 127 of the Administrative Order on Consent, Nu-West Industries, Inc. and the U.S. Environmental Protection Agency hereby amend Paragraph 68 to read as follows:

EPA will review Respondent's work plans, draft and final reports, and any other documents submitted pursuant to this Consent Order ("submissions"); with the exception of expedited data submitted pursuant to Paragraphs 57 and 58, sampling and test results submitted pursuant to Paragraph 89, progress reports, and the HASP; and will notify Respondent in writing of EPA's approval or disapproval of each such submission. In the event of EPA's disapproval, EPA shall specify in writing any deficiencies in the submission. Such disapproval shall not be subject to the dispute resolution procedures of Section XVII., below.

This amendment shall be effective as of the date it has been signed below by both Nu-West Industries Inc. and the U.S. Environmental Protection Agency.

IT IS SO AGREED:

DATE: _____

BY: _____

Edward J. Kowalski, Director
Office of Compliance and Enforcement
Region 10

FOR EPA

DATE: _____

BY: _____

Name: _____

Title: _____

Address: _____

FOR RESPONDENT



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**U.S. EPA REGION 10
OFFICE OF REGIONAL COUNSEL**

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P. SCOTT BURTON
DIRECT DIAL: 213-532-2108
EMAIL: sburton@hunton.com

FILE NO: 74096.000002

November 30, 2009

By Overnight Mail

Mr. Andrew Boyd
U.S. Environmental Protection Agency
Office of Compliance and Enforcement, M/S OCE-127
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

Re: Amendment to Paragraph 68
Administrative Order on Consent for Nu-West Industries Idaho Facility
Docket No. RCRA-10-2009-0186

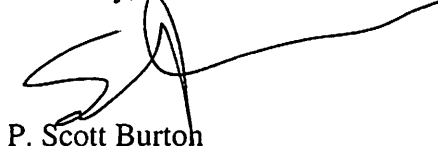
Dear Mr. Boyd:

Enclosed please find two (2) originals of the Amendment to Paragraph 68 of the above-referenced Administrative Order on Consent ("Consent Order") executed by Erik Vettergren, an authorized representative of Nu-West Industries, Inc. ("Nu-West").

Upon the U.S. Environmental Protection Agency's ("EPA") execution of this Amendment to the Consent Order, please provide me with one original and, as described in your November 9, 2009 letter to me, a copy to the Idaho Attorney General's Office. The other original is for your records.

If you have any questions, please do not hesitate to contact me.

Sincerely,



P. Scott Burton

Enclosures

cc: James Cagle (w/o enclosure)
Erik Vettergren (w/o enclosure)